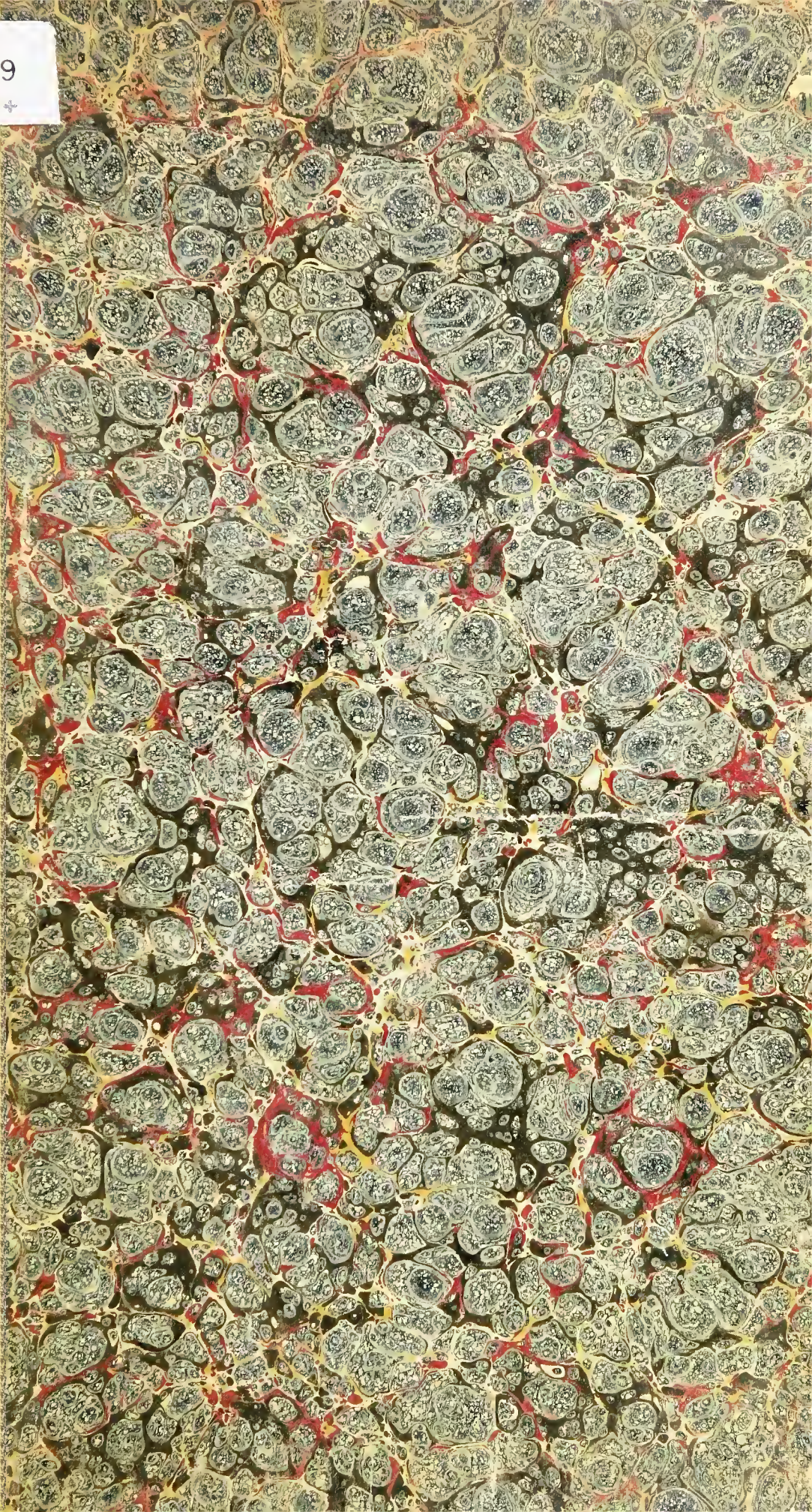


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INTERNATIONAL CONFERENCE AT THE HAGUE

COMMISSION OF THE UNITED STATES OF AMERICA

HUGO GROTIUS

CELEBRATION

DELFT

July 4<sup>th</sup> 1899



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PROCEEDINGS  
AT THE LAYING OF A WREATH  
ON THE TOMB  
OF  
HUGO GROTIUS  
IN THE NIEUWE KERK, IN THE CITY OF DELFT  
July 4<sup>th</sup> 1899  
BY THE COMMISSION OF THE UNITED STATES  
OF AMERICA  
TO THE  
INTERNATIONAL PEACE CONFERENCE  
OF THE HAGUE.

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THE HAGUE 1899  
MARTINUS NIJHOFF.

TYP. ZUID-HOLL. BOEK- EN HANDELSDRUKKERIJ.

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THE one hundred and twenty-third anniversary of American independence occurred during the session of the International Conference at The Hague, called on the initiative of His Majesty, the Emperor of Russia, for the purpose of discussing various questions of international law, having, as their particular object, the peaceable solution of international difficulties.

The Commission appointed by the President of the United States of America to represent the country at this Conference, consisted of Messrs. Andrew D. White, United States Ambassador to the German Empire; Dr. Seth Low, President

of Columbia University, New York; Stanford Newel of Minnesota, United States Minister to the Netherlands; Captain Alfred T. Mahan, U. S. N.; Captain William Crozier, U. S. A.; and Frederick W. Holls, of New York, Secretary.

In pursuance of instructions received from the Secretary of State, the United States Commission availed themselves of the occasion for the usual celebration of their national holiday, to invite their colleagues of the Peace Conference, as well as the members of the Dutch Government, and other distinguished personages, including the Deans of the Law Faculties of the Universities of Leyden, Utrecht, Amsterdam and Groningen, and the Burgomaster and other city authorities of Delft, to the ceremony of laying a wreath upon the tomb of Hugo Grotius in the Nieuwe Kerk in the city of Delft, and to a luncheon in the city hall immediately afterwards.

The wreath, which was made by Eugene Marcus, Court Jeweler, Berlin, is twenty-eight inches in diameter; — the leaves, of frosted silver, on one side being of oak, with acorns in silver gilt, and on the other of laurel, with berries in silver gilt. The stems at the base are held together by a large ribbon and bow of silver gilt, and on this the inscription is placed in blue enamel. Attached

to this ribbon and bow, and held together by it, are shields of silver gilt, bearing in enamel, on the right side the arms of the Netherlands, and, on the left, those of the United States of America. The inscription on the ribbon is as follows:

“To the Memory of Hugo Grotius / In  
Reverence and Gratitude / From the Uni-  
ted States of America / on the occasion  
of the International Peace Conference of  
The Hague / July 4<sup>th</sup>, 1899.”

The celebration was held in the apse of the great church, in front of the monument of Grotius, the tomb of William the Silent being immediately adjoining. A platform had been erected between one of the great pillars of the church and the tomb of William the Silent, upon which the presiding officer and speakers were seated. A choir of one hundred voices, carefully selected from among the best singers of the Hague, all of whom had volunteered their services, was placed at the end of the apse on a slight elevation. The choir was under the direction of Mr. Arnold Spoel, Professor at the Royal Conservatory of Music in the Hague.

Although the weather was extremely inclement

— one of the severest rain storms of the season raging all the morning — nearly all the invited guests, including all the members of the Conference, with very few exceptions, were present; and at eleven o'clock, which was the hour set for the commencement of the exercises, the apse and the greater part of the body of the church were well filled. All the Ministers of the Government of the Netherlands were present, as well as nearly all the members of the Diplomatic Corps accredited to The Hague.

Among the members of the Conference who were present were noticed Their Excellencies the Honorary President, W. H. de Beaufort, who accepted the tribute on behalf of Dutch Government; the President, Baron De Staal, and the Vice-President, Jonkheer A. P. C. van Karnebeek, who presided; also, all the Secretaries of the Conference. Among the delegates present were, Their Excellencies, Count Welsersheimb, of Austria, M. Leon Bourgeois of France, Sir Julian Pauncefote and Sir Henry Howard, of Great Britain, Count Nigra of Italy, Baron Hayashi of Japan, Phya Suriya of Siam, Baron De Bildt of Sweden, with Baron De Stengel of Munich, Prof. Dr. Zorn of Königsberg, Col. De Gross De Schwarzhoff, and Captain Siegel of Germany, M.

Okolicsanyi De Okolicsna , Austrian Minister to The Hague , M. Gaetan Merey De Kapos-Mere , Professor Henri Lammasch , and Lieut. Colonel De Khuepach , of Austria ; Count de Grelle Rogier and Chevalier Descamps of Belgium , Yang Yu , and Hoo-Wei-Teh of China , M. De Bille , Danish Minister to London , M. W. Ramirez De Villa Urrutia , Spanish Minister to Brussels , M. Arthur De Baguer , Spanish Minister to the Hague , Baron D'Estournelles De Constant , Admiral Pephau , General Mounier and M. Louis Renault of France ; Sir John Fisher , Sir John Ardagh , Mr. Richard P. Maxwell , Mr. Arthur Peel , and Mr. Ronald J. Hamilton of Great Britain , M. Delyannis of Greece , Count Zannini , General Zuccari , Captain Bianco and Commander Pompilj of Italy , M. Motono , and Captain Sakamoto of Japan ; M. Eyschen , Prime Minister of Luxembourg , Count De Villers of Luxembourg , M. De Mier and M. Zenil of Mexico ; M. Asser , M. Rahusen , and Captain Tadema of Holland ; General Mirza Riza Khan , First Delegate of Persia ; Count Macedo , M. D'Ornellas Vasconellos , Count De Selir , and Captain D'Ornellas of Portugal ; M. Beldiman and M. Papiniu of Roumania ; M. de Martens , M. De Basily , M. Rafalovich , Colonel Jilinsky , Captain Scheine , Lieutenant Ovtchinnikow and Count Barantzew of Russia ; M. Miyatovitch , Colonel Maschine and Dr. Veljko-



vitch of Servia; M. D'Orelli, M. Rolin and M. Pajtn of Siam; Colonel Brandstrom, Commander Hjulhammar and M. Konow of Sweden and Norway; Colonel Kunzli and M. Odier of Switzerland; Turkhan Pacha, and M. Noury Bey of Turkey and Dr. Stancioff of Bulgaria as well as many others.

Beginning at a quarter after ten o'clock, Mr. John Kethel, the organist and director of the Nieuwe Kerk at Delft, played national airs on the beautiful chimes of the church for half an hour, and at a quarter before eleven o'clock, during the arrival of the guests, he played an organ prelude, including the Russian national anthem, which was given when Baron De Staal, the President of the Conference, entered the church, accompanied by M. Basily of the Russian Delegation.

At precisely eleven o'clock Jonkheer van Karnebeek, who had been chosen to preside, took the chair, and the choir thereupon rendered the chorus from Mendelssohn's St. Paul: "How lovely are the messengers that bring us good tidings of Peace".

Jonkheer VAN KARNEBEEK then delivered the following address:

*Ladies and Gentlemen;*

It is the American custom, that every meeting should be conducted by a Chairman, and it is my good fortune to enjoy the great honor of having been selected to act as such on the occasion of this imposing ceremony, which is so flattering to my country, and so highly valuable as a proof of the friendly spirit of the United States of America towards the Netherlands. It also marks the sympathetic disposition of the representatives of so many nations, who have come forward to take part in this pilgrimage to the "New Church" of Delft, which, in fact, is an old church full of historical memories dear to the hearts of my countrymen.

Allow me to state, in a few words, what the nature of this ceremony is.

Nowhere, I dare say, has the Peace Conference, to which many of those present belong, met with a more hearty and general sympathy, than

in the United States of America, and it is a token of this feeling, and also — I may somewhat proudly say — as an acknowledgement of the reception of the Conference by the Netherlands, that the American Delegation, in the name of their Government, desire to place on the tomb of Hugo Grotius a tribute of honor to the memory of a Dutchman, who may be justly reckoned among the principal founders of international law and international justice, with which the Conference, now assembled at the Hague, is so closely connected.

The American Delegation have asked you to be kindly present at their act of sympathy and courtesy, and, in order to give it additional significance as a demonstration of the feelings prevalent among their people, they have chosen for its accomplishment, their great national festival, the Fourth of July.

Your responsive gathering to this call gives the assurance of your good will on this occasion and of your interest in what is about to take place.

At the conclusion of his address, M. van Karnebeek introduced M. de Vries van Heyst, the

Burgomaster of the city of Delft, who briefly welcomed the American Delegation and their guests, in the Dutch language, on behalf of the city.

The choir then sang the Dutch national anthem: "Wien Neerlandsch Bloed" at the conclusion of which the Chairman introduced the President of the Commission of the United States, Ambassador ANDREW D. WHITE, who spoke as follows:

*Your Excellencies, Mr. Burgomaster, Gentlemen of the University Faculties, my Honored Colleagues of the Peace Conference, Ladies and Gentlemen:*

The Commission of the United States comes here this day to discharge a special duty. We are instructed to acknowledge, on behalf of our country, one of its many great debts to the Netherlands.

This debt is that which, in common with the whole world, we owe to one of whom all civilized lands are justly proud; — the poet, the scholar, the historian, the statesman, the diplomatist, the jurist, the author of the treatise *De Jure Belli ac Pacis*.

Of all works not claiming divine inspiration, that book, written by a man proscribed and hated both for his politics and his religion, has proved the greatest blessing to humanity. More than any other it has prevented unmerited suffering, misery, and sorrow; more than any other it has ennobled the military profession; more than any other it has promoted the blessings of peace and diminished the horrors of war.

On this tomb, then, before which we now stand, the Delegates of the United States are instructed to lay a simple tribute to him whose mortal remains rest beneath it — Hugo de Groot; revered and regarded with gratitude by thinking men throughout the world as GROTIUS.

Naturally we have asked you to join us in this simple ceremony. For his name has become too great to be celebrated by his native country alone; too great to be celebrated by Europe alone: it can only be fitly celebrated in the presence of representatives from the whole world.

For the first time in human history there are now assembled delegates with a common purpose, from all the nations; and they are fully represented here. I feel empowered to speak words of gratitude, not only from my own country but from each of these. I feel that my own country, though one of



the youngest in the great sisterhood of nations, utters at this shrine today, not only her own gratitude but that of every part of Europe, of all the great powers of Asia, of the sister republics of North and South America. From nations now civilized, but which Grotius knew only as barbarous; from nations which in his time were yet unborn; from every land where there are men who admire genius, who reverence virtue, who respect patriotism, who are grateful to those who have given their lives to toil, hardship, disappointment and sacrifice, for humanity — from all these come thanks and greetings heartily mingled with our own.

The time and place are well suited to the acknowledgment of such a debt. As to time, so far as the world at large is concerned, I remind you not only that this is the first conference of the entire world, but that it has, as its sole purpose, a further evolution of the principles which Grotius, first of all men, developed thoroughly and stated effectively. So far as the United States is concerned, it is the time of our most sacred national festival — the Anniversary of our National Independence. What more fitting period, then, in the history of the world and of our own country, for a tribute to one who has done so much, not

only for our sister nations but for ourselves.

And as to the place. This is the ancient and honored city of Delft. From its Haven, not distant, sailed the "Mayflower" — bearing the Pilgrim Fathers who, in a time of obstinate and bitter persecution, brought to the American Continent the germs of that toleration which had been especially developed among them during their stay in the Netherlands, and of which Grotius was an apostle. In this town Grotius was born; in this temple he worshipped; this pavement he trod when a child; often were these scenes revisited by him in his boyhood; at his death his mortal body was placed in this hallowed ground. Time and place, then, would both seem to make this tribute fitting.

In the vast debt which all nations owe to Grotius, the United States acknowledges its part gladly. Perhaps in no other country has his thought penetrated more deeply and influenced more strongly the great mass of the people. It was the remark of Alexis de Tocqueville, the most philosophic among all students of American institutions, that one of the most striking and salutary things in American life is the widespread study of law. De Tocqueville was undoubtedly right. In all parts of our country the Law of Nations is especially

studied by large bodies of young men in colleges and universities; studied not professionally merely, but from the point of view of men eager to understand the fundamental principles of international rights and duties.

The works of our compatriots Wheaton, Kent, Field, Woolsey, Dana, Lawrence, and others, in developing more and more the ideas to which Grotius first gave life and strength, show that our country has not cultivated in vain this great field which Grotius opened.

As to the bloom and fruitage evolved by these writers out of the germ ideas of Grotius, I might give many examples, but I will mention merely three.

The first example shall be the act of Abraham Lincoln. Amid all the fury of civil war, he recognized the necessity of a more humane code for the conduct of our armies in the field; and he entrusted its preparation to Francis Lieber, honorably known to jurists throughout the world, and at that time Grotius' leading American disciple.

My second example shall be the act of General Ulysses Grant. When called to receive the surrender of his great opponent General Lee, after a long and bitter contest, he declined to take from the vanquished General the sword which he had

so long and so bravely worn; imposed no terms upon the conquered armies save that they should return to their homes; allowed no reprisals; but simply said: "Let us have peace."

My third example shall be the act of the whole people of the United States. At the close of that most bitter contest, which desolated thousands of homes and which cost nearly a million of lives, no revenge was taken by the triumphant Union on any of the separatist statesmen who had brought on the great struggle, or on any of the soldiers who had conducted it; and, from that day to this, North and South, once every year, on Decoration Day, the graves of those who fell wearing the blue of the North and the grey of the South are alike strewn with flowers. Surely I may claim for my countrymen that, whatever other shortcomings and faults may be imputed to them, they have shewn themselves influenced by those feelings of mercy and humanity which Grotius, more than any other, brought into the modern world.

In the presence of this great body of eminent jurists from the Courts, the Cabinets, and the Universities of all nations, I will not presume to attempt any full development of the principles of Grotius or to estimate his work; but I will briefly present a few considerations regarding his life

and work which occur to one who has contemplated them from another and distant country.

There are, of course, vast advantages in the study of so great a man from the nearest point of view; from his own land; and by those who from their actual experience must best know his environment. But a more distant point of view is not without its uses. Those who cultivate the slopes of some vast mountain know it best; yet those who view it from a distance may sometimes see it brought into new relations and invested with new glories.

Separated thus from the native land of Grotius by the Atlantic, and perhaps by a yet broader ocean of customary thinking; unbiassed by any of that patriotism so excusable and indeed so laudable in the land where he was born; an American jurist naturally sees, first, the relations of Grotius to the writers who preceded him. He sees other and lesser mountain peaks of thought emerging from the clouds of earlier history, and he acknowledges a debt to such men as Isidore of Seville, Suarez, Ayala, and Gentilis. But, when all this is acknowledged, he clearly sees Grotius, while standing among these men, grandly towering above them. He sees in Grotius the first man who brought the main principles of those earlier think-



ers to bear upon modern times ; — increasing them from his own creative mind, strengthening them from the vast stores of his knowledge, enriching them from his imagination, glorifying them with his genius.

His great mind brooded over that earlier chaos of opinion, and from his heart and brain, more than from those of any other, came a revelation to the modern world of new and better paths toward mercy and peace. But his agency was more than that. His coming was like the rising of the sun out of the primeval abyss: his work was both creative and illuminative. We may reverently insist that in the domain of International Law, Grotius said "Let there be light", and there was light.

The light he thus gave has blessed the earth for these three centuries past, and it will go on through many centuries to come; illuminating them ever more and more.

I need hardly remind you that it was mainly unheeded at first. Catholics and Protestants alike failed to recognize it — "The light shone in the darkness, and the darkness comprehended it not". By Calvinists in Holland and France, and by Lutherans in Germany his great work was disregarded if not opposed; and at Rome it was placed

on the Index of books forbidden to be read by Christians.

The book, as you know, was published amid the horrors of the Thirty Years War; the great Gustavus is said to have carried it with him always, and he evidently at all times bore its principles in his heart. But he alone among all the great commanders of his time stood for mercy. All the cogent arguments of Grotius could not prevent the fearful destruction of Magdeburg, or diminish, so far as we can now see, any of the atrocities of that fearful period.

Grotius himself may well have been discouraged; he may well have repeated the words attributed to the great Swedish Chancellor, whose Ambassador he afterwards became: "Go forth, my son, and see with how little wisdom the world is governed". He may well have despaired as he reflected that throughout his whole life he had never known his native land save in perpetual, heartrending war; nay, he may well have been excused for thinking that all his work for humanity had been in vain, when there came to his deathbed no sign of any ending of the terrible war of thirty years.

For not until three years after he was laid in this tomb did the Plenipotentiaries sign the Treaty of Münster. All this disappointment and sorrow

and life-long martyrdom invests him, in the minds of Americans, as doubtless in your minds, with an atmosphere of sympathy, veneration, and love.

Yet we see that the great light streaming from his heart and mind continued to shine; that it developed and fructified human thought; that it warmed into life new and glorious growths of right reason as to international relations; and we recognize the fact that, from his day to ours, the progress of reason in theory, and of mercy in practice has been constant, on both sides of the Atlantic.

It may be objected that this good growth, so far as theory was concerned, was sometimes anarchic, and that many of its developments were very different from any that Grotius intended or would have welcomed. For if Puffendorff swerved much from the teachings of his great master in one direction, others swerved even more in other directions; — and all created systems more or less antagonistic. Yet we can now see that all these contributed to a most beneficent result; — to the growth of a practice ever improving, ever deepening, ever widening, ever diminishing bad faith in time of peace and cruelty in time of war.

It has also been urged that the system which Grotius gave to the world has been utterly left behind as the world has gone on; that the great

writers on International Law in the present day do not accept it; that Grotius developed everything out of an idea of natural law which was merely the creation of his own mind, and based everything on an origin of jural rights and duties which never had any real being; that he deduced his principles from a divinely planted instinct which many thinkers are now persuaded never existed, acting in a way contrary to everything revealed by modern discoveries in the realm of history.

It is at the same time insisted against Grotius that he did not give sufficient recognition to the main basis of the work of modern international jurists; to positive law, slowly built on the principles and practice of various nations in accordance with their definite agreements and adjustments.

In these charges there is certainly truth; but I trust that you will allow one from a distant country to venture an opinion that, so far from being to the discredit of Grotius, this fact is to his eternal honor.

For there was not and there could not be at that period, anything like a body of positive International Law adequate to the new time. The spirit which most thoroughly permeated the whole world, whether in war or peace, when Grotius wrote,

was the spirit of Machiavelli — unmoral: immoral. It had been dominant for more than a hundred years. To measure the service rendered by the theory of Grotius, we have only to compare Machiavelli's "Prince" with Grotius' "De Jure Belli ac Pacis". Grant that Grotius' basis of International Law was, in the main, a theory of natural law which is no longer held: grant that he made no sufficient recognition of positive law; we must nevertheless acknowledge that his system, at the time he presented it, was the only one which could ennoble men's theories or reform their practice.

From his own conception of the attitude of the Divine Mind toward all the falsities of his time grew a theory of international morals which supplanted the principles of Machiavelli: from his conception of the attitude of the Divine Mind toward all the cruelties which he had himself known in the Seventy Years War of the Netherlands, and toward all those of which tidings were constantly coming from the German Thirty Years' War, came inspiration to promote a better practice in war.

To one, then, looking at Grotius from afar, as doubtless to many among yourselves, the theory which Grotius adopted seems the only one which, in his time, could bring any results for good to mankind.



I am also aware that one of the most deservedly eminent historians and publicists of the Netherlands, during our own time, has censured Grotius as the main source of the doctrine which founds human rights upon an early social compact, and therefore, as one who proposed the doctrines which have borne fruit in the writings of Rousseau, and in various modern revolutions.

I might take issue with this statement; or I might fall back upon the claim that Grotius' theory has proved, at least, a serviceable provisional hypothesis; but this is neither the time nor the place to go fully into so great a question. Yet I may at least say that it would ill become me, as a representative of the United States, to impute to Grotius as a fault, a theory out of which sprang the nationality of my country: a doctrine embodied in that Declaration of Independence which is this day read to thousands on thousands of assemblies in all parts of the United States, from the Atlantic to the Pacific, and from the Great Lakes to the Gulf of Mexico.

But however the Old World may differ from the New on this subject, may we not all agree that, whatever Grotius' responsibility for this doctrine may be, its evils would have been infinitely reduced could the men who developed it have caught his

spirit . . . his spirit of broad toleration, of wide sympathy, of wise moderation, of contempt for "the folly of extremes", of search for the great principles which unite men rather than for the petty differences which separate them?

It has also been urged against Grotius that his interpretation of the words *jus gentium* was a mistake, and that other mistakes have flowed from this. Grant it; yet we, at a distance, believe that we see in it one of the happiest mistakes ever made; a mistake comparable in its fortunate results to that made by Columbus when he interpreted a statement in our sacred books regarding the extent of the sea as compared with the land, to indicate that the western continent could not be far from Spain, — a mistake which probably more than anything else encouraged him to sail for the New World.

It is also not unfrequently urged by eminent European writers that Grotius dwelt too little on what International Law really was, and too much on what, in his opinion, it ought to be. This is but another form of an argument against him already stated. But is it certain after all that Grotius was so far wrong in this as some excellent jurists have thought him? May it not be that, in the not distant future, International Law, while

mainly basing its doctrines upon what nations have slowly developed in practice, may also draw inspiration, more and more, from "That Power in the Universe not ourselves, which makes for Righteousness".

An American, recalling that greatest of all arbitrations yet known, the Geneva Arbitration of 1872, naturally attributes force to the reasoning of Grotius. The heavy damages which the United States asked at that time and which Great Britain honorably paid were justified mainly, if not wholly, not on the practice of nations then existing, but upon what it was claimed *ought to be* the practice; not upon positive law, but upon natural justice; and that decision forms one of the happiest landmarks in modern times: it ended all quarrel between the two nations concerned, and bound them together more firmly than ever.

But while there may be things in the life and work of Grotius which reveal themselves differently to those who study him from a near point of view, and to those who behold him from afar, there are thoughts on which we may all unite, lessons which we may learn alike, and encouragements which may strengthen us all for the duties of this present hour.

For as we now stand before these monuments,

there come to us not only glimpses of the irony of history, but a full view of the rewards of history, Resounding under these arches and echoing among these columns, prayer and praise have been heard for five hundred years. Hither came, in hours of defeat and hours of victory, that mighty hero whose remains rest in yonder shrine and whose fame is part of the world's fairest heritage. But when, just after William the Silent had been laid in the vaults beneath our feet, Huig de Groot, as a child, gazed with wonder on this grave of the father of his country, and when, in his boyhood, he here joined in prayer and praise, and caught inspiration from the mighty dead, no man knew that in this beautiful boy—opening his eyes upon these scenes which we now behold — not only the Netherlands, but the whole human race had cause for the greatest of thanksgivings.

And when, in perhaps the darkest hour of modern Europe, in 1625, his great book was born, yonder organ might well have pealed forth a most triumphant *Te Deum*; — but no man recognized the blessing which in that hour had been vouchsafed to mankind: no voice of thanksgiving was heard.

But if the dead, as we fondly hope, live beyond the grave: if, undisturbed by earthly distractions, they are all the more observant of human affairs:

if, freed from earthly trammels, their view of life in our lower world is illumined by that infinite light which streams from the source of all that is true and beautiful and good, may we not piously believe that the mighty and beneficent shade of William of Orange recognized with joy the birth-hour of Grotius as that of a compatriot who was to give the Netherlands a lasting glory? May not that great and glorious spirit have also looked lovingly upon Grotius, as a boy, lingering on this spot where we now stand, and recognized him as one whose work was to go on adding in every age new glory to the nation which the mighty Prince of the House of Orange had, by the blessing of God, founded and saved; may not, indeed, that great mind have foreseen, in that divine light, another glory not then known to mortal ken? Who shall say that in the effluence of divine knowledge he may not have beheld Grotius, in his full manhood, penning the pregnant words of the *De Jure Belli ac Pacis*, and that he may not have foreseen — as largely resulting from it — what we behold to day, as an honor to the August Monarch who convoked it, to the Netherlands who have given it splendid hospitality, and to all modern states here represented: the first Conference of the entire world ever held; and that Conference assembled to increase the secu-

rities for peace and to diminish the horrors of war.

For, my Honored Colleagues of the Peace Conference, the germ of this work in which we are all so earnestly engaged, lies in a single sentence of Grotius' great book. Others indeed had proposed plans for the peaceful settlement of differences between nations, and the world remembers them with honour: to all of them, from Henry IV and Kant and St. Pierre and Penn and Bentham, down to the humblest writer in favor of peace, we may well feel grateful; but the germ of arbitration was planted in modern thought when Grotius, urging arbitration and mediation as preventing war, wrote these solemn words in the *De Jure Belli ac Pacis*: "*Maxime autem christiani reges et civitates tenentur hanc inire viam ad arma vitanda.*" 1)

My Honored Colleagues and friends, more than once I have come as a pilgrim to this sacred shrine. In my young manhood, more than thirty years ago, and at various times since, I have sat here and reflected upon what these mighty men here entombed have done for the world, and what, though dead, they yet speak to mankind. I seem to hear them still.

From this tomb of William the Silent comes,

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1) Grotius, *De Jure Belli ac Pacis*, II, Cap. 23, II 3.

in this hour, a voice bidding the Peace Conference be brave, and true, and trustful in That Power in the Universe which works for Righteousness.

From this tomb of Grotius I seem to hear a voice which says to us as the delegates of the Nations: "Go on with your mighty work: avoid, as you would avoid the germs of pestilence, those exhalations of international hatred which take shape in monstrous fallacies and morbid fictions regarding alleged antagonistic interests. Guard well the treasures of civilization with which each of you is entrusted; but bear in mind that you hold a mandate from humanity. Go on with your work. Pseudo-philosophers will prophesy malignantly against you: pessimists will laugh you to scorn: cynics will sneer at you: zealots will abuse you for what you have *not* done: sublimely upractical thinkers will revile you for what you *have* done: ephemeral critics will ridicule you as dupes: enthusiasts, blind to the difficulties in your path and to everything outside their little circumscribed fields, will denounce you as traitors to humanity. Heed them not: go on with your work. Heed not the clamour of zealots, or cynics, or pessimists, or pseudo-philosophers, or enthusiasts, or fault-finders. Go on with the

work of strengthening peace and humanizing war: give greater scope and strength to provisions which will make war less cruel: perfect those laws of war which diminish the unmerited sufferings of populations: and, above all, give to the world at least a beginning of an effective, practicable scheme of arbitration."

These are the words which an American seems to hear issuing from this shrine today; and I seem also to hear from it a prophecy. I seem to hear Grotius saying to us: "Fear neither opposition nor detraction. As my own book, which grew out of the horrors of the Wars of Seventy and the Thirty Years' War, contained the germ from which your great Conference has grown, so your work, which is demanded by a world bent almost to breaking under the weight of ever increasing armaments, shall be a germ from which future Conferences shall evolve plans ever fuller, better, and nobler." And I also seem to hear a message from him to the jurists of the great universities who honor us with their presence today, including especially that renowned University of Leyden which gave to Grotius his first knowledge of the law; and that eminent University of Königsberg which gave him his most philosophical disciple: to all of these I seem to hear him say: "Go on in



your labor to search out the facts and to develop the principles which shall enable future Conferences to build more and more broadly, more and more loftily for peace."

And now, Your Excellencies, Mr. Burgomaster, and Honored Deans of the various Universities of the Netherlands, a simple duty remains to me. In accordance with instructions from the President and on behalf of the People of the United States of America, the American Commission at the Peace Conference, by my hand, lays on the Tomb of Grotius this simple tribute. It combines the oak, symbolical of civic virtue, with the laurel, symbolical of victory. It bears the following inscription: "To the Memory of Hugo Grotius / In Reverence and Gratitude / From the United States of America / On the Occasion of the International Peace Conference at The Hague / July 4th, 1899," / and it encloses two shields, one bearing the arms of the House of Orange and of the Netherlands; the other bearing the arms of the United States of America; and both these shields are bound firmly together. They represent the gratitude of our country, one of the youngest among the nations of the earth, to this old and honored Commonwealth;—gratitude for great services in days gone by, gratitude for recent courtesies

and kindnesses; and, above all, they represent, to all time, a union of hearts and minds, in both lands, for peace between the nations.

At the conclusion of Mr. White's address, the box in which the wreath had been enclosed, and which was on a table immediately in front of the speaker, was opened and Mr. White, taking the wreath, attached it to the tomb of Grotius.

The choir then sang the Dutch national anthem "Wilhelmus van Nassouwe," the audience standing.

The Chairman thereupon introduced His Excellency, W. H. DE BEAUFORT, Minister of Foreign Affairs of the Government of the Netherlands, who spoke as follows:

The Queen's government has conferred on me the honourable task of expressing its sincere gratitude to the American Delegates and the Government of the United States which they represent, for placing a wreath on the tomb of Hugo de Groot.

The ceremony of to-day will, I am sure, make a deep impression throughout our whole country. We Hollanders are proud of our glorious history, and the memory of our great men in past centuries

is dear to us all. We are pleased to see them appreciated by foreigners, and especially when these foreigners are citizens of a country for which we feel so much respect and regard. We have been closely connected by historical traditions with America. The first settlers on the banks of the Hudson river were Hollanders, and we always remember, not without a certain pride, that it was a Dutch captain who was the first to salute the stars and stripes. To-day we salute your star spangled banner in our own country, and while celebrating with you your Independence Day, we beg you to accept our best wishes for the welfare of your country.

Your country is one of the largest of the world, and ours is one of the smallest, but we have one thing in common, which is that we both have won our country and its independence by our own valour.

We have had the advantage in the last weeks of extending hospitality to some of the most eminent men of the United States, who came here to give their valuable aid for the realization of the noble designs framed by the Emperor of Russia and applauded by the whole civilized world, of founding international law on the basis of justice and peace. It is a matter of course that, having

in mind this noble task, our thoughts have been called back to the great man who found his last resting place under the vaults of this church, and who has always been venerated as the founder of the science of international law.

When he wrote his admirable work *De jure belli ac pacis*, America was still a great wilderness with a few scattered European settlements. Still, he knew America and took an interest in it, for he wrote a small and very remarkable tract on the antiquity of the original inhabitants of America.

More than two centuries and a half have since elapsed, and if Grotius came back into this world and stood in the midst of us, how great would be his astonishment when hearing that the inhabitants of America had come here to pay homage to his memory; but at the same time he would express his joy and his satisfaction when learning that the noble and generous principles he advocated during his lifetime had taken root throughout the whole world, and I am sure he would exclaim: "Thanks to God, I have not lived in vain".

For the purpose of acknowledging the great merits of Grotius, a wreath has been placed, by order of the American Government, on his tomb. I sincerely hope that this fine and precious work

of art will remain for ever on the place where it is now fixed. May the numerous visitors of this church look on it with a sentiment of gratitude and admiration. May it act as a stimulus for future generations in their exertions in behalf of still further reforms in the practice of international law, and, last not least, may this wreath be an everlasting emblem of the friendly relations between America and Holland, and a guarantee for the unbroken continuance of that historical friendship of which America gives us on this memorable day such a splendid and highly valued testimony.

The Chairman then announced that a message had been received from His Majesty, the King of Sweden and Norway, representing the country in whose service Grotius had spent many years of his life, and he thereupon introduced Baron De Bildt, First Delegate of Sweden and Norway, who stated that he had been directed by telegraph to offer the sincere congratulations and good wishes of His Majesty, the King of Sweden and Norway to the Commission of the United States of America and to the Government of the Netherlands, on the occasion of this celebration. He added that the memory of Grotius would

always be highly cherished in the speaker's native country, which Grotius had served so long and so faithfully.

The Chairmain thereupon introduced MR. T. M. C. ASSER, Delegate to the Peace Conference from the Netherlands, and President of the Institute of International Law, who spoke as fellows :

*Ladies and Gentlemen ;*

Having the honour to be the President of the Institute of International Law, I consider it my duty to add a few words, in the name of that body, to the eloquent speeches that we have heard.

It is a great pleasure for the members of the Institute who attend this meeting, in their capacity of delegates to the Peace Conference, to declare through their President, that they fully sympathise with the congratulations and the thanks addressed to the eminent American delegates: — congratulations on this most important memorial-day, thanks for their homage to the father of our science — my great Compatriot Hugo Grotius.

And these thanks, Ladies and Gentlemen, do not only concern the splendid ceremony of this day. Our gratitude is inspired, above all, by the most valuable services that American jurists and American statesmen have rendered to the development of International Law.

The Annals of our Institute show the great influence that American science and practice have exercised upon its resolutions.

Among the founders of the Institute we read the name of the celebrated American jurist David Dudley Field, the first who, in his Draft Outlines of an International Code, undertook to formulate precise rules for the legal intercourse between the different nations, and between the citizens of different states.

During a quarter of a century, our Institute has devoted its best force to this work of codification, after having by serious and uninterrupted endeavours succeeded in establishing a *communis opinio* on many matters, with regard to which there was a great divergence between the jurists of different nationalities.

This is neither the place nor the time to recount the results which have been obtained.

I must, however, ask leave to mention that in its first scientific session at Geneva, just twenty five

years ago, the Institute resolved that three very important objects ought to have its attention before all other matters.

The first was the codification of *private international law*.

The illustrious Italian, Mancini, then President of the Institute, took the initiative in this urgent reform.

The Dutch Government continued what he had begun, and, as a first practical result of the diplomatic Conference which met at the Hague in 1893 and 1894, the first page of a code of private international law, having legal force in almost all continental Europe, was written in the form of a convention, and signed at the Hague on November fourteenth 1896. We hope that the following pages of the code will be written in the next years, as a consequence of new conferences on the subject.

We also hope that, in indicating the States which accept the code, the word *continental* may soon prove to be inexact, and it is our sincere wish that the fatherland of the jurist who in his "Draft Outlines" did not omit the rules of private law, may join old Europe, so that the States united to accept that code of private international law, may embrace the new as well as the old world.



The second matter to which the priority was granted by the Institute concerned International Arbitration, and the rules of procedure to be adopted by States that agree to submit to arbitration the controversies arising between them. A most remarkable draft by the well known German jurist Professor Goldschmidt formed the basis of the Institute's resolutions.

Since 1874 the practice of International Arbitration has made enormous progress, and we may now expect that the generous and magnanimous initiative of His Majesty the Emperor of Russia will bring into operation a set of uniform rules for the decision of international controversies, and for the establishment of a Court of Arbitration.

In the meantime the special arbitration treaties, concluded by some governments (among which the Anglo-American, though not ratified, is one of the most remarkable), — have exercised a strong influence on public opinion and the feelings of leading statesmen, and I may add, without being guilty of indiscretion, that the government of the United States is one of those which have provided the Conference with most valuable materials for the organisation of the new institution.

The third object chosen by the Institute in its first session, has quite an American character.

The three rules of the Washington treaty of 1871 concerning the duties of neutral governments had to be examined on the basis of proposals made by a Committee, to which belonged the American scholar and jurist Theodore Woolsey.

I have called this matter quite American, because the United States had the merit of permanently fixing the doctrine of neutrality.

When Grotius wrote his famous book, the state of war — and of war in which all nations were concerned, — was almost permanent in Europe.

It was Grotius' great merit to have shown how war ought to be submitted to certain rules in the interest of humanity and of justice. The rights and obligations of belligerents form the principal contents of his work. Those of neutrals are indicated in a very brief and rather superficial way.

At two great epochs — that of the first French revolutionary war in 1793, during the administration of Washington and the secretaryship of Jefferson and about twenty five years later, in 1818, Mr. Monroe being President, and Mr. John Quincy Adams Secretary of State, when the Spanish colonies in America threw off their allegiance to the mother country, the United States had the opportunity

of establishing liberal and humane principles of international law.

On the former occasion they passed their first neutrality Statute, that of 1794, and on the latter the act of Congress of 1818, called the amended foreign enlistment act.

One of the greatest English authorities on international law, Sir Robert Phillimore, says that the British statute was during the next year (1819) carried through Parliament in accordance with the American act of congress.

The principal object of the law of neutrality up to this time has been to state the duties of neutrals, and the conditions under which their neutrality is to be respected by the belligerents.

If, in the future, war should be rendered impossible, neutrality would cease to exist.

As long, however, as war may, from time to time, appear to be unavoidable, it will be a great blessing for humanity if the new Code of Neutrality shall not only prevent neutrals from favouring one of the belligerents and from disturbing the belligerents in their military operations, — but if it shall also — and in the first place — prevent the belligerents from disturbing the neutrals in their peaceful occupations, in their trade and navigation, and in the practice of science and arts.

The United States of America would again render an immense service to humanity if they induced the States of Europe and other parts of the world, to prepare in time of peace a Code of Neutrality so favorable for the pacific nations, and so severe with regard to those who may feel desirous to have recourse to war, — that it would prove to be in fact the best guarantee for the maintenance of peace.

This would be a glorious task for the statesmen of the new world, in the beginning of a new century!

At the conclusion of M. Asser's speech, the Choir sang a magnificent Dutch hymn of the Sixteenth Century — "Prayer for the Fatherland" by Valerius — whereupon the Chairman introduced the Honorable SETH LOW, Commissioner of the United States of America, President of Columbia University of New York, who spoke as follows:

*Mr. Chairman, Ladies and Gentlemen:*

The pleasing task has been devolved upon me of expressing the thanks of the American Delegation to those whose kindness has made this occasion possible.

First of all our thanks are due, and are most heartily given, to you Sir, for so courteously presiding; to the Burgomaster and City of Delft and to the Trustees of this venerable Church for the generous hospitality that has permitted the use of this sacred edifice and of the City Hall; and to the chorus whose volunteered services have added to the proceedings the welcome charm and inspiration of song.

We think ourselves fortunate, also, in being able to avail of this opportunity to express our thanks to Her Majesty, the Queen, for the gracious kindness she has shown to us in common with our colleagues of the Conference of Peace. It has been to us a sincere pleasure to have the honor of a presentation to Her Majesty, for the accents of her voice when she took the coronation oath found an echo in every American heart. Motley has enabled us to understand what it signifies when the Head of the House of Orange swears: "Je maintiendrai!"

We are glad, also, to offer our thanks to the distinguished Minister of Foreign Affairs of the Netherlands, his Excellency, M. de Beaufort, and, through him, to his Government and the people of the Hague for the great hospitality in which we have had a share as members of the Conference.

We are grateful, also, for the message that has been received from His Majesty, the King of Sweden and Norway, through his distinguished Representative at the Conference of Peace; and for the kind words spoken in the name of the Institute of International Law by its gifted and able President.

The International Conference at The Hague doubtless will take its place in history as the first attempt on the part of the nations of the East and of the West, of Asia and Europe and America, to create a body of International Law by formal and joint enactment. Great national assemblies have sprung from seeds not more promising than this; so that it is not strange that men should see in this Conference a distinct step towards the poet's dream: "The Parliament of Man, the Federation of the World". Our own Lowell has said:

"For I believed the poets; it is they  
Who gather wisdom from the central deep,  
And, listening to the inner flow of things,  
" Speak to the age out of eternity".

But those of us who have taken part in these deliberations, can never dissociate the experience from the hearty welcome we have received in the historic Capital of Holland, — the beautiful city of The Hague. Both Peace and Hospitality

appear to us to have laid aside their sandals at The Hague, as if there they had found their permanent abiding place.

On this day, so full for Americans of thoughts connected with their national independence, we may not forget that Americans have yet other grounds for gratitude to the people of the Netherlands. We cannot forget that our flag received its first foreign salute from a Dutch officer, nor that the Province of Friesland gave to our independence its first formal recognition. By way of Leyden and Delft-Haven and Plymouth Rock, and again by way of New Amsterdam, the free public school reached American shores.

The United States of America have taken their name from the United States of the Netherlands. We have learned from you not only that "In Union there is Strength": that is an old lesson, but also, in large measure, how to make "One out of many". From you we have learned, what we, at least, value, to separate Church and State; and from you we gather inspiration at all times in our devotion to learning, to religious liberty, and to individual and national freedom. These are some of the things for which we believe the American people owe no little gratitude to the Dutch; and these are the things for which to-day, speaking

in the name of the American people, we venture to express their heartfelt thanks.

The choir then sang "My Country 'tis of Thee" in which they were joined by many of the audience, and a postlude, including the Star Spangled Banner, as well as the Hallelujah Chorus from Händel's Messiah, from the great organ, ended the celebration.

At the close of the exercises in the church, the invited guests of the Commission, about three hundred and fifty in number, sat down with them to a luncheon served in the ancient Town Hall of Delft, which, as well as the colossal bronze statue of Grotius, standing in front of the building, and the contemporary portrait of Grotius in the Hall of the Burgomaster, was decorated with the flags of the Netherlands and the United States.









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